

**Agenda Item No. 4 (3)**

**DERBYSHIRE COUNTY COUNCIL  
REGULATORY - PLANNING COMMITTEE**

**10 April 2017**

Report of the Strategic Director – Economy, Transport and Communities

**PROPOSED ERECTION OF A DETACHED MODULAR NURSERY  
BLOCK, WITH ASSOCIATED PLAY AREA, NEW PEDESTRIAN  
ACCESS FOOTPATH, ALTERATIONS TO THE CAR PARK TO  
PROVIDE TWO ADDITIONAL SPACES, ALTERATION TO SECURITY  
FENCING AND THE RELOCATION OF THREE STORAGE  
CONTAINERS AT ST JOHNS C OF E PRIMARY SCHOOL, LAUND  
NOOK, BELPER  
APPLICANT: DERBYSHIRE COUNTY COUNCIL  
CODE NO: CD6/1116/70**

**6.1112.16**

**Introductory Summary**

This report is to consider the construction of a new nursery block to provide an additional 26 spaces for three year olds at St John's C of E Primary School, Laund Nook, Belper. The development would also see the creation of external play areas and two additional car parking spaces and the creation of a new pedestrian access into the school site.

The proposal would have benefits in the form of the provision of additional nursery spaces of which there is an identified shortfall in the local area and within Derbyshire generally. There are also community benefits to be gained from extending the existing facilities at the school. Concerns have been raised regarding the location of the development within the school site and the potential adverse impacts on residential amenity resulting from increased noise in the front part of the school site, and issues associated with highway safety. The school site is located in the buffer zone of the Derwent Valley Mills World Heritage Site. I do not consider, however, that the proposed development would have any significant impacts in these respects, and consider that the proposal would represent sustainable development and would accord with the policies of the Amber Valley Borough Local Plan and the National Planning Policy Framework, and the development is therefore recommended for approval subject to conditions.

- (1) **Purpose of Report** To enable the Committee to determine the application.

(2) **Information and Analysis** This application proposes the erection of a detached nursery building for three year old children with an associated play area incorporating soft play and tarmac surfacing. The installation of the nursery block would require the relocation of existing storage containers and alternations to the existing security fencing, with the development also proposing the installation of a new pedestrian access to improve access into the school site and alterations to the car park to provide two additional parking spaces at St Johns C of E Primary School, Laund Nook, Belper.

St Johns C of E Primary School is in a predominantly residential area, to the north-east of Belper Town centre, and is located within the Derwent Valley Mills World Heritage Site (DVMWHS) Buffer Zone. The site is accessed off Laud Nook which forms the north-western boundary. The school site is bounded by residential properties to the north, south and west.

The main school building is single storey with flat roofs and was constructed using the clasp building system, clad with precast concrete panels. The concrete panels give the school a buff dark grey appearance intermixed with windows and doors with coloured infill panels.

The proposed extension would be constructed on a section of the school play area close to the south-east elevation of the main school building. Existing storage containers located on this section of the school site would be relocated to the southern end of the playground. The nursery block itself would measure 10 metres (m) by 8.9m by 3.6m at its highest point. Due to the sloping topography within the school site ( which has a fall of approximately 1.2m between the north-east and south-east elevations the building) the building would need to be elevated with a 1.2m skirt required along the south-east elevation and parts of the north-west and south-west elevations.

The nursery block would be constructed with cladding panels, with green strip panels along the top and bottom of the building, with light grey in-between and dark grey panels above and below the aluminium windows and doors and incorporate aluminium fascia and rainwater goods, with a shallow pitched flat roof.

The nursery play area would be to the north east of the nursery building and would include a 34 m<sup>2</sup> soft play area and 46 m<sup>2</sup> tarmac play area which would be enclosed by 1.2 m high bow-top fencing. The position of the play area would leave a 4m gap between the play area and the south east elevation of the main school building, which would be used as a maintenance and emergency access point.

To facilitate the installation of the play area and the access point, the existing 2.4 metre high security fencing would be realigned around a section of the play area. Double vehicle gates would also be positioned between the play

area and the main school building. Existing storage containers, currently located within the footprint of the proposed nursery building would be repositioned along the southern edge of the school's play area against an existing brick wall.

The development also proposes the installation of a new pedestrian access into the site. This would involve the creation of a gap in the existing boundary wall along the boundary with Laud Nook, the installation of a pedestrian gate and the removal of a lime tree to enable the laying of a new tarmac pedestrian path along the side of the car park.

### **Consultations**

#### **Local Member**

Councillor Owen (Belper) has been notified.

#### **Amber Valley Borough Council**

Raised no objections.

#### **Belper Town Council**

Resolved to make no representation.

#### **The Coal Authority**

The Coal Authority had no objection but requested that its Standing Advice be provided as an informative note to the applicant in the interests of public health and safety.

### **Publicity**

The application has been advertised by site notice and neighbour notification letters with a request for observations by 21 December 2016. Twelve letters of representation, all objecting to the proposals, and one petition with 12 signatures have been received as a result of the publicity. The concerns raised can be summarised as follows:

- Increase in vehicle movements during school drop off/pick up times.
- Increase in traffic volumes and parking on the nearby residential streets.
- Increase in traffic during lunch times.
- The position of the nursery block close to residential properties.
- Road safety on Laud Nook and the safety of pupils.
- Parking provision for staff at the school.
- A Second access should be created using the Dovedale Crescent maintenance access.

These issues where relevant are dealt with in the 'Planning Considerations' section below.

## Planning Considerations

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the provisions of the development plan unless other material considerations indicate otherwise. In relation to this application, the relevant policies of the development plan are contained in the saved policies of the adopted Amber Valley Borough Local Plan (AVBLP).

The principal planning policies relevant to this grant of planning permission are:

### Adopted Amber Valley Borough Local Plan Policies

LS1: Sustainable Development.

LS3: Design.

TP1: Impact of the Development on the Transport Network.

EN29: Derwent Valley Mills World Heritage Site.

The key planning considerations for this application are:

- Need for development.
- Design and visual impact.
- Impact on the setting of the World Heritage Site.
- Highways.

### Sustainable development

The NPPF sets out the Government's key economic, social and environmental objectives and the planning policies designed to deliver them. It states that the purpose of the planning system is to '*contribute to the achievement of sustainable development*' and adds that there should be a presumption in favour of sustainable development. The term 'sustainable development' is not defined as such but the NPPF states that, in essence, it means that ensuring better lives for ourselves now does not mean worsening lives of future generations. It states that sustainability has three key dimensions, economic, social and environmental.

For decision making this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
  1. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in framework taken as a whole; or

2. specific policies in the framework indicate development should be restricted.

### **Need for the Development**

The application states that due to the introduction of the Government initiative which seeks to offer parents up to 30 hours of free nursery education per week from September 2017, there is a need to increase the numbers of nursery places to meet the anticipated demand, with a nursery education seen as essential starting point to prepare children prior to starting at school.

The Belper area has been identified as having a shortage of nursery places with St John's C of E Primary School chosen to accommodate this nursery expansion as the other primary schools in the area have insufficient space to accommodate a nursery, while this school site has sufficient space and is located to better serve the target catchment area.

The nursery block would provide nursery facilities for up to 26, three year old children, with an adjacent play area and alterations to the security fencing to enable the school to provide a secure nursery facility which would accommodate the anticipated nursery needs of the area. The installation of the new pedestrian footpath within the site would improve pedestrian access into the school and the alterations to the car park would provide additional parking spaces to accommodate the additional staff.

I consider that there is a clear need for the proposed development which would provide the school with appropriate nursery facilities to accommodate the anticipated demand for nursery places within the area.

### **Design and Visual Impact**

The proposed nursery block would be positioned centrally within the school site on a section of the school playground screened from public views into the school site by the main school building, fencing, trees and hedges. The position, scale and massing of the nursery block would complement that of the existing school building. The materials proposed, would add a bit colour to the school site, which is to be welcomed, given the concrete clasp construction of the existing school building. The introduction of such colours is considered appropriate in an educational setting especially for a building intended for early years' education provision.

The existing storage containers would be relocated to the southern end of the playground, in a position where they would be screened from view by an existing wall along the southern edge of the play area and by trees. I do not consider that their relocation would have a detrimental effect on the school site.

I am therefore satisfied that the proposed nursery block and alterations to the school site have been designed and located to minimise the developments impact on the character of the school site or have any adverse impact on visual amenity.

I consider that the proposed development would be in accordance with the requirements of policy LS3 of the AVBLP.

### **Impact on the setting of the World Heritage Site**

The school site is located within the DVMWHS Buffer Zone. Policy EN29 Derwent Valley Mills World Heritage Site of the AVBLP requires that all development proposals within the Buffer Zone should be assessed to ensure that they preserve or enhance the setting of the DVMWHS, including views into and out of the DVMWHS.

The proposed development would be positioned within an existing school site, located within a modern residential area. Views into the site would be screened from by the existing school building, trees, vegetation and boundary fencing. Given the scale and location of the development I do not consider that there would be any adverse impact on the setting of the DVMWHS.

I consider that the proposed development would be in accordance with the requirements of policy EN29 Derwent Valley Mills World Heritage Site of the AVBLP.

### **Highway Impacts**

Policy TP1 Impact of the Development on the Transport Network of the AVBLP requires that all development proposals will be required to show that satisfactory access can be obtained to the transport network and that any additional traffic movements likely to be generated by the development can be satisfactorily accommodated on the transport network.

I note the concerns of local residents regarding existing problems with on-street parking and congestion during school opening and closing times. Whilst the new facility would provide space for up to 26 nursery places, additional information supplied by the applicant has confirmed that, based on funding available, the nursery would be more likely to operate with 22 nursery children. The proposed nursery facility, whilst part of the school, would also operate on a different time scale to normal school hours, generally being run on a morning and afternoon session basis, which would also potentially reduce the number of car trips generated to and from the school site.

I do not consider that the development would lead to a significant increase in vehicle traffic to the school site, there is additional parking provision proposed by this development to accommodate the additional nursery staff. The request for the restricted maintenance access off Dovedale Crescent to be opened up as a

secondary access has been investigated and is not considered to be feasible due to the existing constraints.

The Highways Authority has stated that there would be no objections to the proposals in terms of the potential impacts to the safety of the surrounding highway network subject to the proposed two additional parking spaces being provided prior to the nursery building being taken into use and the production of an updated School Travel Plan which includes the nursery facility.

In light of the above, and subject to the imposition of conditions relating to the provision of on-site car parking and the production of an updated Travel Plan from the school, I am satisfied that the development would accord with the requirements of policy TP1 Impact of the Development on the Transport Network

### **Conclusion**

The proposed nursery building and alterations to the school site are of an appropriate design and scale and would be positioned so as not to have an adverse impact on the school site.

The development would provide the school with a nursery and associated facilities to enable it to cater for the anticipated increase in demand for nursery places within the local area. With the alterations to the school site improving pedestrian access and would provide additional car parking to accommodate the additional staff.

I consider the design of the extension is appropriate for the location and I do not consider that this development would have an adverse impact on residential amenity, the character of the locality or on the wider landscape in visual terms. I am satisfied that the proposal would accord with the saved policies of the adopted Amber Valley Borough Local Plan. I consider this development to be acceptable and would recommended approval.

Taking into account the emphasis of the NPPF on sustainable development, I consider that the effects of the development would be acceptable and, therefore, I recommend that planning permission should be approved subject to conditions as detailed in the Officer's Recommendation below.

(3) **Financial Considerations** The correct fee of £770 has been received.

(4) **Legal Considerations** This is an application submitted under the terms of the Town and Country Planning General Regulations 1992 for development which the Authority itself proposes to carry out.

I do not consider that there would be any disproportionate impacts on anyone's human rights under the European Convention on Human Rights as a result of this permission being granted subject to the conditions referred to in the Officer's Recommendation.

- (5) **Environmental and Health Considerations** As indicated in the report.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, property, social value and transport considerations.

- (6) **Background Papers** File 6.1112.16  
Application documents from the Director of Property dated 11 November 2016. Correspondence from Amber Valley Borough Council dated 8 December 2016 and 10 February 2017, The Coal Authority dated 9 December 2016, Belper Town Council dated 16 December 2016 and Highways Area Management Division dated 8 March 2017 and 20 March 2017.

- (7) **OFFICER'S RECOMMENDATION** That the Committee resolves that planning permission is **granted** subject to the following conditions:

#### **Commencement**

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.

**Reason:** The condition is imposed in accordance with Section 91 of the Town and County Planning Act 1990.

- 2) Notice of the commencement of the development shall be provided to the County Planning Authority at least seven days prior to the start of works on site.

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area.

- 3) The development shall take place in accordance with the details in the 1APP form dated 11 November 2016, the Design and Access Statement and the accompanying drawings (1600460/A/03, Revision A, 1600460/A/04, Revision A, 1600460/A/05, Revision A, 1600460/A/07, Revision A, 1600460/A/08, Revision B).

**Reason:** To enable the County Planning Authority to monitor the development in the interests of the amenity of the area

- 4) Prior to the commencement of the development, a construction management plan and construction method statement shall be



submitted to and been approved in writing by the County Planning Authority. The submission shall provide details relating to the storage of plant and materials, site accommodation, loading, unloading of goods vehicles, parking of site operatives' and visitors' vehicles, means of access and routes for construction traffic, hours of operation, method of prevention of debris being carried onto highway, pedestrian and cyclist protection, tree protection measures in accordance with BS5837:2012 and any proposed temporary traffic restrictions.

The construction management plan shall be implemented as approved and maintained throughout the period of construction free from any impediment to its designated use.

**Reason:** The condition is imposed to ensure adequate access and associated facilities are available during the construction and subsequent demolition works and to minimise the impact of the development on the school site, nearby residents and local highway network and in the interest of site safety.

It is considered that compliance with these requirements would only be effective if the scheme is found to be acceptable and approved as such, prior to the commencement of the development.

### **Trees and Hedgerows**

- 5) Prior to the nursery building being taken into beneficial use a tree planning scheme, detailing the tree planting within the school site shall be submitted to and approved in writing by the County Planning Authority.

**Reason:** The condition is imposed to ensure compensatory planning is provided to ensure that there is no net loss and preferably a net gain of tree cover on the school site.

- 6) The trees to be retained shall be protected in accordance with a scheme detailing tree protection measures in accordance with BS5837:2012, that has been submitted to and received the written approval of the County Planning Authority. The tree protection measures shall be maintained for the duration of the construction period.

**Reason –** To ensure that these features are maintained, managed and protected from damage, and retained as part of the site landscaping in the interest of visual amenity and landscape character.

### **Highway Safety**

- 7) The nursery block, the subject of the application, shall not be taken into use until space has been provided within the application site in accordance with drawing number's 1600460/A/03, Revision A and

1600460/A/04, Revision A, for the parking of two additional vehicles, laid out and maintained throughout the life of the development free from any impediment to its designated use.

**Reason** – In the interests of highway safety.

- 8) The new nursery block and facilities, which are the subject of this application, shall not be taken into use until an updated School Travel Plan has been submitted to and approved in writing by the County Planning Authority. The School Travel Plan shall set out physical measures to promote travel by sustainable modes, shall include a timetable for the implementation of the measures and detail the parking spaces available within the school site. The school Travel Plan shall be implemented as approved.

**Reason** – In the interest of promoting sustainable modes of transport and highway safety.

### **Ecology**

- 9) There shall be no removal of vegetation that may be used by breeding birds during the bird breeding season (i.e. March to September inclusive) unless a recent survey has been undertaken by a suitably qualified ecologist to assess the nesting bird activity at the site during this period, and details of measures to protect the nesting bird interest on the site have been submitted to and received the written approval of the County Planning Authority. The scheme shall then be implemented as approved.

**Reason** – In the interest of the protection of breeding birds.

### **Statement of Compliance with Article 35 of the Town and Country (Development Management Procedure) (England) Order 2015**

The Authority worked with the applicant in a positive and pro-active manner based on seeking solutions to problems arising in the processing of planning applications in full accordance with this Article. The applicant had engaged in pre-application discussions with the authority prior to the submission of the application. The applicant was given clear advice as to what information would be required.

### **Footnotes**

- 1) This permission, granted under the terms of Regulation 3 of the Town and Country Planning General Regulations 1992, is for the sole benefit of Derbyshire County Council and can only be implemented by that Authority.

- 2) The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:  
[www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

Signed.....Date.....

**Mike Ashworth**  
**Strategic Director – Economy, Transport and Communities**